

AMENDED IN ASSEMBLY MARCH 29, 2007

AMENDED IN ASSEMBLY MARCH 22, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 239**

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**Introduced by Assembly Member DeSaulnier**  
**(Principal coauthor: Assembly Member Mullin)**  
(Principal coauthor: Senator Torlakson)

January 31, 2007

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An act to add Section 27361.10 to the Government Code, relating to recording fees.

### LEGISLATIVE COUNSEL'S DIGEST

AB 239, as amended, DeSaulnier. Recording fees: Contra Costa and San Mateo Counties.

Existing law establishes the fees to be charged by the county recorder for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded. Existing law, including provisions of the California Constitution, subject local governmental agencies to various requirements when imposing, increasing, or extending general or special taxes, fees, and other local exactions.

This bill would authorize the Contra Costa County Board of Supervisors or the San Mateo Board of Supervisors to additionally charge a flat fee of not more than \$25, as specified for each document that is recorded, if the document is in excess of one page, for every real estate instrument, as defined, paper, or notice required or permitted by law to be recorded in Contra Costa County or San Mateo County. The bill would require the Contra Costa County Board of Supervisors or the San Mateo County Board of Supervisors, if it charges this fee, to

establish a fund for deposit of the moneys raised by the increase, which shall be used to assist in the development of affordable housing for very low income households, lower income households, and moderate-income households.

This bill would make legislative findings and declarations as to the necessity of a special statute.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27361.10 is added to the Government  
2 Code, to read:

3 27361.10. (a) In addition to any other recording fees specified  
4 in this code, the Contra Costa County Board of Supervisors or the  
5 San Mateo County Board of Supervisors may increase the fee for  
6 recording every real estate instrument, paper, or notice required  
7 or permitted by law to be recorded in Contra Costa County or San  
8 Mateo County, except those expressly exempted from payment of  
9 recording fees. The additional fee, if authorized by the Contra  
10 Costa County or San Mateo County Board of Supervisors, shall  
11 be a flat fee, in an amount not to exceed twenty-five dollars (\$25),  
12 for each recorded document in excess of one page. When it can  
13 be readily determined that multiple documents relate to one  
14 transaction, the authorized fee shall only be charged once.

15 (b) (1) All moneys raised pursuant to subdivision (a) shall be  
16 deposited in an account established by the Contra Costa County  
17 or San Mateo County Board of Supervisors, if it authorizes the  
18 additional fee, to be used to assist in the development of affordable  
19 housing for very low income households, lower income households,  
20 and moderate-income households.

21 (2) For purposes of this section, the following definitions apply:

22 (A) "Very low income household" means a household whose  
23 income does not exceed the very low income limits applicable to  
24 Contra Costa County or San Mateo County adjusted for household  
25 size, as published and periodically updated by the State Department  
26 of Housing and Community Development pursuant to Section  
27 50105 of the Health and Safety Code.

28 (B) "Lower income household" means a household whose  
29 income does not exceed the lower income limits applicable to

1 Contra Costa County or San Mateo County, adjusted for household  
2 size, as published and periodically updated by the State Department  
3 of Housing and Community Development pursuant to Section  
4 50079.5 of the Health and Safety Code.

5 (C) “Moderate-income household” means persons and families  
6 whose income does not exceed the moderate income limits  
7 applicable to Contra Costa County or San Mateo County, adjusted  
8 for household size, as published and periodically updated by the  
9 State Department of Housing and Community Development  
10 pursuant to Section 50093 of the Health and Safety Code.

11 (c) All moneys raised pursuant to subdivision (a), after deduction  
12 of reasonable and necessary administrative costs, *not to exceed 5*  
13 *percent of the total amount raised*, incurred by the county  
14 clerk-recorder, shall be used only to help finance the construction,  
15 rehabilitation, or purchase of housing for very low income  
16 households, lower income households, and moderate-income  
17 households and to fund any local matching contributions required  
18 pursuant to federal law. *Any moneys expended shall only by*  
19 *expended pursuant to a written agreement, including, but not*  
20 *limited to, a joint powers authority agreement or a memorandum*  
21 *of understanding, between each city and county that participates*  
22 *in a program to develop affordable housing authorized by the*  
23 *section.*

24 (d) Housing constructed with funds made available pursuant to  
25 this section shall meet at least one of the following requirements:

26 (1) Be housing located within the urban limit line.

27 (2) Be multifamily with an average density of at least 14 units  
28 per acre.

29 (3) Be designed in a manner that complements existing  
30 neighborhoods, promotes social interaction, is pedestrian friendly,  
31 and allows for the potential for mixed use.

32 SEC. 2. The Legislature finds and declares that there are unique  
33 circumstances concerning the need for developing more affordable  
34 housing for very low income households, lower income households,  
35 and moderate-income households in Contra Costa County or San  
36 Mateo County necessitating the enactment of the procedures  
37 contained in this act. It is therefore declared that a general law  
38 cannot be made applicable within the meaning of Section 16 of

- 1 Article IV of the Constitution, and that the enactment of this act
- 2 as a special law is necessary.

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